

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MAINE**

LYNN MERRILL, et al.,

Plaintiffs

v.

SHENNA BELLOWS, et al.,

Defendants

CIVIL ACTION NO. 1:20-cv-00248-
JAW

PLAINTIFFS' MOTION TO DISMISS WITHOUT PREJUDICE
PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER, OR
IN THE ALTERNATIVE, PRELIMINARY INJUNCTION

NOW COME the Plaintiffs, by and through their undersigned counsel, and, pursuant to Rule 41(a)(2), respectfully request that the Court dismiss their pending Motion for Temporary Restraining Order, or in the Alternative, Preliminary Injunction, and state in support as follows:

1. Plaintiffs, who are blind or visually impaired or who have print disabilities that prevent them from independently accessing and using a paper ballot, filed this action on July 15, 2020, to seek an effective accessible absentee ballot system so that they could vote safely, independently and effectively in the general election on November 3, 2020. See ECF 1.

2. In addition to filing a Complaint (ECF 1), Plaintiffs filed a Motion for Temporary Restraining Order, or, in the Alternative, Preliminary Injunction (“TRO/PI”). See ECF 3. The purpose of filing the Motion for TRO/PI was to ensure that Defendants create an accessible absentee ballot system in time for the November 3, 2020 Presidential Election, so that Plaintiffs could safely and independently vote during the coronavirus pandemic.

3. Since filing this action, the State of Maine created an interim, accessible absentee ballot system which was made available to Plaintiffs. The four named Plaintiffs, all of whom are blind or visually impaired, were able to vote in the Presidential Election via an accessible absentee ballot through the interim system.

4. Because the exigent circumstances of this case have at this time abated and the parties are working toward resolution of the claims, Plaintiffs do not wish to pursue their Motion for PI/TRO at this time. Plaintiffs therefore request that this Court dismiss their Motion for PI/TRO, but request that the Court do so without prejudice in the event that circumstances arise which require more immediate action.

5. No prejudice will inure to any party because no responsive pleadings have yet been filed.

WHEREFORE, Plaintiffs respectfully request that this Court grant their Motion to Dismiss without prejudice Plaintiffs’ Motion for Temporary Restraining Order, or in the Alternative, Preliminary Injunction their Motion.

Dated: February 17, 2021

/s/ Kristin L. Aiello
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Dated: February 17, 2021

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/s/ Eve Hill
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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document entitled Plaintiffs' Motion to Dismiss without Prejudice Plaintiffs' Motion for Temporary Restraining Order, or in the Alternative, Preliminary Injunction, via the Court's CM/ECF system, which will serve a copy of same upon all counsel of record.

DATED: February 17, 2021

/s/ Kristin L. Aiello

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